

APPLICATION NO. 09/888,972  
DOCKET NO. P1045/N8801

### REMARKS

Claims 1-6 and 18-31 are currently pending in the above-captioned application.  
Claims 30 and 31 are amended herein in order to correct a typographical error.

#### Prior Art Rejections

Claims 1-6, 18-22, 25-27 and 29-31 stand rejected under 35 U.S.C. §102(e) or, in the alternative, under 35 U.S.C. §103(a) over Tzeng (U.S. 6,482,520).

Claims 23, 24 and 28 stand rejected under 35 U.S.C. §103(a) over Tzeng.

Claims 1 and 30 stand rejected under 35 U.S.C. §103(a) over Sauzade (U.S. 4,878,152), "optionally" in view of Tzeng.

Claims 2-6, 18-27, 29 and 31 stand rejected under 35 U.S.C. §103(a) over Sauzade and Tzeng further in view of Shane et al. (U.S. 3,404,061).

Claim 28 stands rejected under 35 U.S.C. §103(a) over Sauzade, Tzeng and Shane et al., further in view of Mercuri et al. (U.S. 5,902,762).

However, in applying both the primary references Tzeng and Sauzade, the Official Action reads disclosure into the references which is simply not there. Indeed the Official Action extrapolates from information in the references to arrive at undisclosed and unsuggested material.

More specifically, in referencing the Tzeng patent, the Official Action cites to the statement in Tzeng of a thermal anisotropic ration that "can approach 20 to 1 or higher." The Official Action argues that this range encompasses the claimed ratio of at least 70 and that, although admittedly Tzeng does not disclose a thermal

APPLICATION NO. 09/888,972  
DOCKET NO. P1045/N8801

anisotropic ratio of at least 70, it is according to the Official Action "a fair reading" of Tzeng to provide such a ratio. This extrapolation of the teaching of Tzeng is without support, especially given that the claimed anisotropic ratio is more than 3 times the highest ratio disclosed in Tzeng. Indeed, as pointed out in a prior response,, without the knowledge of Applicants' disclosure in the above-captioned application, it is hard to comprehend how the teaching of the thermal anisotropic ratio of at least 70 could be gleaned from the Tzeng patent.

Similarly, in rejecting claims based on the Sauzade patent, the Official Action relies almost exclusively on the graph of Figure 3 of Sauzade, which shows a thermal conductivity of approaching 300 W/m°C. However, there is no disclosure whatsoever in Sauzade of a thermal anisotropic ratio nor of the information that would be needed to derive the thermal anisotropic ratio of any of the Sauzade materials. More particularly, no information concerning through-thickness thermal conductivity is provided by Sauzade, making it impossible to know what the thermal anisotropic ratio of any of those Sauzade products is.

In addition, at col. 4, lines 22-28, Sauzade teaches that the upper limit of in-plane thermal conductivity for the disclosed devices is 300 W/m°C. Thus, Sauzade does not disclose any of the critical features of the claimed invention, such as thermal anisotropic ratio or an in-plane thermal conductivity of at least 350 W/m°C.

It is wholly inappropriate to extrapolate data from a cited reference to supply what the Official Action admits is missing from that reference. Again, it is only through a hindsight analysis of the Sauzade patent where the obviousness argument

APPLICATION NO. 09/888,972  
DOCKET NO. P1045/N8801

can be assembled. Without knowing Applicants' claims, it is simply not feasible to discern an obviating disclosure from this cited reference.

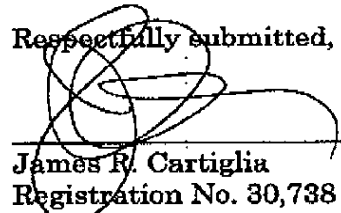
Accordingly, neither of the primary references to Tzeng or Sauzade teaches or even remotely suggests the invention of the current claims of the above-captioned application. That being the case, the rejections utilizing these references must be withdrawn.

### CONCLUSION

Based on the foregoing amendments and remarks, it is believed the above-captioned application is now in condition for allowance. If there remains any matter which prevents the allowance of any of claims 1-6 and 18-31, the Examiner is requested to call the undersigned, collect, at 615-242-2400 to arrange for an interview which may further expedite prosecution.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 50-1202.

Respectfully submitted,



James R. Cartiglia  
Registration No. 30,738  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456

ATTORNEY FOR APPLICANT

Waddey & Patterson  
414 Union Street, Suite 2020

Sent By: Waddey & Patterson;

615 242 2221;

Dec-4-03 6:06PM;

Page 11/12

APPLICATION NO. 09/888,972  
DOCKET NO. P1045/N8801

Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400

APPLICATION NO. 09/888,972  
DOCKET NO. P1045/N8801

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this Response to Notice of Noncompliant Amendment (10 pages), including certificate of facsimile transmittal (1 page), facsimile cover page (1 page) are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 305-5408

James R. Cartiglia

  
\_\_\_\_\_  
Signature

Registration Number 30,738

12/4/03  
\_\_\_\_\_  
Date